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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HOSSAIN, TANIM M

ART UNIT PAPER NUMBER

2145

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/967,210

Applicant(s)

ALLEN, KARL

Examiner

Tanim Hossain

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/21/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

Claims 7 and 20 are objected to because of the following informalities:

In claim 7, after "host is further," there appears to be a term missing.

In claim 2, "wherein the" is repeated.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 10-12, 14-19, 21-25, and 27-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Wong (U.S. 6,260,021).

As per claim 1, Wong teaches a method of transferring health-related information in real-time, the method comprising: receiving health-related information from a first end of a network pathway between a portable healthcare device, and a remote information site, the network pathway having a series of segments, each segment, immediately upon receipt, to prepare the

health-related information with appropriate data for reading at the next segment along the network pathway towards a second end of the network pathway (column 3, line 60 – column 4, line 15); immediately passing the health-related information through a server interface to prepare the health-related information for reading at the next segment along the network pathway towards the second end (column 4, lines 16-48); and sending the health-related information across the network pathway for receipt at the second end (column 4, lines 16-48).

As per claim 2, Wong teaches the method of claim 1, wherein the preparing of the health-related information includes removing the health-related information from a wrapper and wherein the sending of the health-related information is across a wireless portion of the network pathway for receipt at the portable healthcare device (column 11, line 65 – column 12, line 5).

As per claim 3, Wong teaches the method of claim 1, wherein the preparing of the health-related information includes placing the health-related information into a wrapper acceptable for reading at the next segment along the network pathway towards the remote information site (column 11, line 65 – column 12, line 5).

As per claim 4, Wong teaches the method of claim 1, wherein the network pathway includes a virtual private network portion at the remote information site (column 14, lines 1-23).

As per claim 5, Wong teaches the method of claim 4, wherein sending of the health-related information is across a wide area network portion of the network pathway for receipt at the remote information site (14; 1-23).

As per claim 6, Wong teaches the method of claim 1, wherein one segment in the network pathway is a network host having an interface to unwrap the health-related information and place the health-related information into a wrapper acceptable for reading at the next

segment along the network pathway towards the second end (column 11, line 65 – column 12, line 5).

As per claim 7, Wong teaches the method of claim 6, wherein the network host is further to translate the health-related information from a remote information site protocol to a user system protocol or from a user system protocol to a remote information site protocol (14; 1-23).

As per claim 8, Wong teaches the method of claim 1, further including back-end processing of raw health-related information generated through an application running on the portable healthcare device (13; 24-44).

As per claim 10, Wong teaches a method of transferring a health-related information in real time, the method comprising: receiving by a portable healthcare device, health-related information from across a wireless portion of a network pathway having a series of segments, each segment, immediately upon receipt, to prepare the health-related information with appropriate data for reading at the next segment along the network pathway from a remote information site and towards the portable healthcare device, and presenting the health-related information in real-time for a user (column 3, line 60 – column 4, line 15).

Claims 11, 15, 22, and 28 are rejected on the same basis as claim 4.

Claims 12, 18, and 29 are rejected on the same basis as claim 8.

Claims 14, 19, and 27 are rejected on the same basis as claim 1.

As per claim 16, Wong teaches the system of claim 14, wherein the remote information site is an application service provider (14; 1-23).

As per claims 17 and 21, Wong teaches the system of claim 14, further including a network host in the network pathway having an interface to unwrap the health-related

information and place the health-related information into a wrapper acceptable for the next segment along the network pathway towards the remote information site (column 11, line 65 – column 12, line 5).

As per claim 23, Wong teaches the system of claim 19, wherein one segment in the network pathway is a network host having an interface to unwrap the health-related information and place the health-related information into a wrapper acceptable for reading at the next segment along the network pathway towards the second end (column 11, line 65 – column 12, line 5).

As per claim 24, Wong teaches the computer accessible medium of claim 19, wherein the network host is further to translate the health-related information from a remote information site protocol to a user system protocol or from a user system protocol to a remote information site protocol (14; 1-23).

As per claim 25, Wong teaches the computer accessible medium of claim 19, further including additional sequences of executable instructions, which, when executed by the processor further cause the system of process raw health-related information generated through an application running on the portable healthcare device (13; 24-44).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 13, 20, 26, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong.

As per claims 9, 13, 26, and 30, Wong teaches the recognition of raw health-related data, including digital signature and fingerprint recognition (10; 28-47). Wong does not specifically teach retinal and vocal recognition. It would have been obvious to one of ordinary skill in the art at the time of the invention, in view of the concepts Wong does teach, to include the recognition of the retina and speech. Retinal and vocal scans are commonplace in security measures, in addition to the aforementioned taught functions. The motivation for doing so lies in the fact that including this component allows for further versatility of Wong's invention.

As per claim 20, Wong teaches the computer accessible medium of claim 19, wherein the preparing of the health-related information includes removing the health-related information from a wrapper and wherein the sending of the health-related information is across a portion of the network pathway for receipt at the portable healthcare device (column 11, line 65 – column 12, line 5). Wong does not specifically teach the use of a wireless network segment. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the use of a wireless network, as this concept is widely used and known in the art.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Ober (U.S. 6,732,113) teaches the generation of healthcare data.
- b. Stefanchik (U.S. 6,766,328) teaches the creation of a medical database.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanim Hossain whose telephone number is 571/272-3881. The examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 571/272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tanim Hossain  
Patent Examiner  
Art Unit 2145

  
VALENCIA MARTIN-WALLACE  
SUPERVISORY PATENT EXAMINER